

Remarks/Arguments

Claims 1 to 29 are pending in the application. Claims 1 to 21 and 27 to 29 are rejected.

Claims 22-26 are objected to.

Claims 1, 3 to 6, 11 to 18, 20, 21, 27-29 have been amended in order to avoid invoking 35 U.S.C. 112, sixth paragraph. In particular, all instances of phrases such as --the steps of-- have been deleted. Applicant wishes to note for the record that the amendments are neither narrowing, nor are the amendments being made for a reason substantially related to patentability. Applicant respectfully submits that no new matter has been added in the amendments.

Claim Rejections under 35 U.S.C. 112

Claim 11 has been amended to no longer recite "the secured data" when first referring to secured data.

Similarly, claim 15 has been amended to no longer recite "the secured data" when first referring to secured data.

Claim Rejections under 35 U.S.C. 102

Claims 1-10, 12-14, 16-21 and 27-29 have been rejected as being anticipated under U.S.C. 102 as being anticipated by Renner. Examiner will note that a declaration signed by the inventor of the present application indicates that the invention was conceived prior to the filing of the WO 01/82190 A1 document. As the inventor of the invention of the present application has sworn a date of invention that precedes the filing of the Renner priority

document, the Renner prior art is no longer citable against the present application based upon the relevant dates. As the Renner prior art is no longer citable against the present invention, it is apparent that a combination of prior art references that relies on the Renner reference is not citable against the present invention. As such, Examiner is respectfully requested to withdraw the rejection.

Claim Rejections under U.S.C. 103

Claims 11 and 15 have been rejected as being obvious in light of Renner in combination with US patent 6,193, 153 B1 (Lambert). Claims 11 and 15 depend on independent claims 1 and 13 respectively.

The prior art of Lambert “relates to methods and apparatus for capturing of biometric data.” More particularly, their invention “relates to capturing of biometric data using methods and apparatus that are less intrusive or more transparent to the user...”.

In the present invention, claim 1 identifies “determining user authorisation methods each requiring data only from available user information entry devices from a plurality of user authorisation methods; providing user authorisation information in accordance with one of the determined user authorisation methods”

Claim 13 identifies “determining from the plurality of supported user authorisation methods an authorisation method requiring data only from the provided user authorisation information; and registering the user authorisation information provided against stored data to perform at least one of identifying and authorising the user with the associated level of security.” Lambert does not mention either of these methods. Instead Lambert suggests a method and apparatus for capturing biometric data that are less intrusive or more transparent to the user and provide a higher level of security. He also mentions a technique including methods and devices for “simultaneously receiving user input on a computer peripheral and biometric data from the user on the same device”.

As such, it is apparent that neither of independent claims 1 and 13 are obvious in light of Lambert. Consequently, claims 11 and 15 which depend from independent claims 1 and 13 respectively cannot be obvious in light of the combination of Renner and Lambert, as the inventor of the invention of the present application has sworn a date of invention that precedes the filing of the Renner priority document, the Renner prior art is no longer citable against the present application based upon the relevant dates.

Applicant kindly requests favorable reconsideration of the amended application.

A Petition for Extension of Time is filed concurrently with this response.

Please charge any additional fees required or credit any overpayment to Deposit Account No: 50-1142.

Respectfully,



Gordon Freedman, Reg. No. 41,553

Freedman & Associates
117 CentrepoinTE Drive, Suite 350
Nepean, Ontario K2G 5X3 Canada

Tel: (613) 274-7272
Fax: (613) 274-7414
Email: gordon@freedmanandassociates.ca

VL/SE/sah